

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK-----X  
THOMAS BENEVENTINE,

Plaintiff,

-against-

ST. THERESA OF THE INFANT JESUS  
ROMAN CATHOLIC CHURCH, ARCHDIOCESE  
OF NEW YORK, JOHN DOE and JANE DOE,  
RICHARD ROE and JANE ROE, priests, clergy  
and administrators whose names are unknown to the  
Plaintiff,Defendants.  
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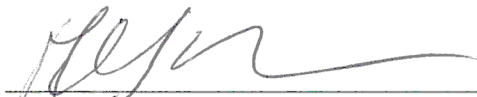
Index No.

Date Purchased:

Plaintiff designates  
NEW YORK  
County as the place of trial.The basis of the venue is  
Defendants' place of  
business.SUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
August 22, 2019  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
1981 Marcus Avenue, Suite 200  
Lake Success, NY 11042  
(718) 459-9000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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THOMAS BENEVENTINE,

Plaintiff,

Index No.

Date Filed:

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ROMAN CATHOLIC CHURCH, ARCHDIOCESE  
OF NEW YORK, JOHN DOE and JANE DOE,  
RICHARD ROE and JANE ROE, priests, clergy  
and administrators whose names are unknown to the  
Plaintiff,

**VERIFIED COMPLAINT**

Defendants.  
-----X

Plaintiff, Thomas Beneventine, by his attorney, MICHAEL G. DOWD, complaining of  
Defendants, hereby alleges the following:

**JURISDICTION**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CLPR § 214-g.

**AS AND FOR A FIRST CAUSE OF ACTION**

**(NEGLIGENT SUPERVISION)**

2. The Plaintiff, Thomas Beneventine (hereinafter "Plaintiff") was born on July 23, 1953. He is a resident of the State of Florida.
3. Plaintiff is a Roman Catholic and was a parishioner at Defendant ST. THERESA OF THE INFANT JESUS ROMAN CATHOLIC CHURCH (hereinafter "ST. THERESA"), which is a parish within the Defendant ARCHDIOCESE OF NEW YORK. ST. THERESA is located in the Bronx, New York, which is in Bronx County.

4. Plaintiff was baptized, confirmed, attended mass, and received his sacraments through the Roman Catholic Church.
5. Upon information and belief, at all times mentioned herein, the ARCHDIOCESE OF NEW YORK (hereinafter "ARCHDIOCESE") was and is a not-for-profit religious corporation organized and existing around and under by virtue of the laws of the State of New York. Its principal headquarters are located in New York, New York, which is in New York County.
6. Upon information and belief, TIMOTHY CARDINAL DOLAN (hereinafter "DOLAN") is currently the Roman Catholic Archbishop of the ARCHDIOCESE.
7. Upon information and belief, the Archbishop is the Chief Executive Officer of all parishes and parish schools in the ARCHDIOCESE and as part of said responsibilities assigned the priests to work in the parishes.
8. Upon information and belief, all of DOLAN's predecessor(s) were the Chief Executive Officers of all parishes and parish schools in the ARCHDIOCESE and as part of said responsibilities assigned the priests to work in the parishes, including HERBERT D'ARGENIO (hereinafter "D'ARGENIO"). This includes those Archbishops who assigned D'ARGENIO to his parish positions.
9. Upon information and belief, at all times mentioned herein, DOLAN and the above-referenced predecessor Archbishops in the Office of the Archbishop, along with Defendant ARCHDIOCESE, created the policies and procedures to be followed by priests within the ARCHDIOCESE. The Office of the Archbishop and Defendant ARCHDIOCESE were responsible for investigating complaints against its parish clergy. In this capacity, the Office of the Archbishop either

directly or through Diocesan officials appointed by them, established policies and procedures by which complaints of sexual abuse against parish clergy, priests, and staff were to be dealt with and investigated by the ARCHDIOCESE.

10. Upon information and belief, at all times mentioned herein, the Office of the Archbishop was also responsible for removing and/or suspending parish clergy and priests from their duties.
11. Upon information and belief, at all times mentioned herein, the Office of the Archbishop and Defendant ARCHDIOCESE also appointed the school principals and controlled the hiring and training of the teachers in its schools.
12. Upon information and belief, at all times mentioned herein, D'ARGENIO was a pastor of Defendant ST. THERESA having been assigned and otherwise authorized to work there by the Office of the Archbishop.
13. Upon information and belief, Defendant ST. THERESA is a Roman Catholic parish church within the ARCHDIOCESE.
14. D'ARGENIO's abuse of Plaintiff began in or around 1967 and continued into 1968. The abuse included, but was not limited to D'ARGENIO fondling Plaintiff's genitals while he sat on D'ARGENIO's lap, D'ARGENIO masturbating Plaintiff to the point of ejaculation, and Plaintiff orally copulating D'ARGENIO to the point of ejaculation. The abuse occurred in Defendant ST. THERESA's rectory. Plaintiff estimates the abuse occurred on at least 15 occasions.
15. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE knew or should have known that children such as Plaintiff were

present in parish rectories for a variety of purposes, including counseling and work.

16. Upon information and belief, sometime in 2019 a list of those credibly accused of child sexual abuse was released by the ARCHDIOCESE, D'ARGENIO was included on that list. The fact that D'ARGENIO was included on that list of credibly accused priests is an admission by Defendant ARCHDIOCESE that D'ARGENIO sexually abused minors.
17. Upon information and belief, Plaintiff was taught and otherwise informed by Defendants ARCHDIOCESE and ST. THERESA by word and deed that he should obey, trust, and respect the ARCHDIOCESE and D'ARGENIO.
18. Upon information and belief, since at least 1950 through present, Defendants ARCHDIOCESE and ST. THERESA knew the risk of sexual abuse of minor parishioners by priests and other staff working in the ARCHDIOCESE.
19. Upon information and belief, at all times mentioned herein, Defendants ARCHDIOCESE and ST. THERESA knew that minors sexually abused in the Catholic Church would suffer psychological and emotional injuries, as well as other damages.
20. Upon information and belief, at all times mentioned herein, Defendant ARCHDIOCESE aided and abetted the concealment of criminal conduct by failing and refusing to report allegations of child sexual abuse to appropriate New York civil authorities.
21. Upon information and belief, at the time of the acts alleged herein, D'ARGENIO was an employee of, and acting as an agent of Defendants ARCHDIOCESE and

ST. THERESA.

22. Upon information and belief, Defendants ARCHDIOCESE and ST. THERESA had a duty to protect Plaintiff as a minor parishioner from D'ARGENIO's criminal sexual acts.
23. Upon information and belief, Defendants ARCHDIOCESE and ST. THERESA failed to adequately and completely supervise D'ARGENIO, and as a result of this failure and negligence, proximately caused Plaintiff to be sexually abused by D'ARGENIO.
24. The aforementioned occurrences of sexual abuse were caused by the negligence, carelessness, recklessness, and the willful, wanton, reckless and grossly negligent conduct of Defendants ARCHDIOCESE and ST. THERESA and their agents, servants, and/or employees, in failing to properly and adequately supervise the conduct of D'ARGENIO as it related to Plaintiff.
25. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
26. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. THERESA are also liable to Plaintiff for punitive and exemplary damages.



27. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
28. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**

**(NEGLIGENT FAILURE TO WARN)**

29. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.
30. Upon information and belief, prior to and at all times herein mentioned, Defendants ARCHDIOCESE and ST. THERESA and their agents, servants, and employees, knew or should have known that D'ARGENIO violated ARCHDIOCESE and ST. THERESA's relevant rules, regulations and protocols prohibiting priests like D'ARGENIO from sexually abusing and otherwise harming minor parishioners, including Plaintiff.
31. The Defendants ARCHDIOCESE and ST. THERESA and their agents, servants, and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to warn Plaintiff that the failure of D'ARGENIO to abide by ARCHDIOCESE and ST. THERESA's rules, regulations and protocols regarding prohibitions on employees being alone with minor parishioners put Plaintiff at risk for being sexually abused by



D'ARGENIO.

32. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.
33. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. THERESA are also liable to Plaintiff for punitive and exemplary damages.
34. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
35. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**

**(NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT)**

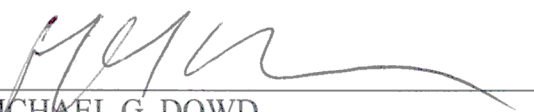
36. Plaintiff repeats, reiterates, and realleges each and every allegation contained in the above paragraphs of this Complaint, with the same force and effect as if fully set forth at length herein.

37. The Defendants ARCHDIOCESE and ST. THERESA assumed a duty to protect the safety and welfare of Plaintiff as more fully set forth above, when Plaintiff participated as a parishioner in ST. THERESA related activities such as attending the parish school, confession, and counseling. This duty imposed upon said Defendants, the duty to provide a reasonably safe and secure environment for Plaintiff while he was participating in parish programs.
38. When Plaintiff was in said Defendants' care, said Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
39. Defendants ARCHDIOCESE and ST. THERESA and their agents and employees were negligent, careless and reckless and acted willfully, wantonly and were grossly negligent in failing to provide a safe and secure environment for Plaintiff while he participated as a minor in parish programs and as such was sexually abused by D'ARGENIO.
40. By reason of the foregoing, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional distress, confusion, humiliation, fright, anxiety, a severe shock to his nervous system, and has been caused to suffer physical pain and mental anguish, emotional and psychological damages as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and that Plaintiff as a result has become and will continue to be obligated to expend sums of money for medical expenses for treatment of said maladies.

41. That by reason of the foregoing, Defendants ARCHDIOCESE and ST. THERESA are also liable to Plaintiff for punitive and exemplary damages.
42. It is hereby alleged pursuant to CPLR 1603 that the foregoing cause of action is exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(7) and 1602(11).
43. That the amount of damages sought exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
August 22, 2019

  
MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
1981 Marcus Avenue, Suite 200  
Lake Success, NY 11042  
(718) 459-9000

Attorneys for Plaintiff


VERIFICATION BY ATTORNEY

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York  
August 22, 2019



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MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640